



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,387	09/08/2000	Aureliano Tan JR.	05452.002002	3461
22511	7590	02/08/2005	EXAMINER	
OSHA & MAY L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010			KLIMACH, PAULA W	
		ART UNIT	PAPER NUMBER	
		2135		

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/658,387	TAN, AURELIANO	
Examiner	Art Unit		
Paula W Klimach	2135		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 09 December 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-9 and 30-36 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-9 and 30-36 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/09/2004.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Guthery

(6,567,915)

In reference to claim 1, Guthery discloses an integrated circuit device with various methods for authenticating identities and authorizing transactions based on the authenticated identities (abstract). The applicant does not define a “microprocessor identity device,” which will be defined as a microprocessor used for identifying entities. Guthery discloses a system that includes a microprocessor (Fig. 2 part 52) used for identifying entities. Guthery also discloses a digital identity (column 7 lines 1-5). The applicant does not define “binding the microprocessor identity device to the digital identity,” therefore the definition is to constrain the microprocessor identity device to the digital identity with legal authority. The system of Guthery discloses the private storage containing certificates that contain a card ID and a signature of a certifying authority (column 6 line 62 to column 7 line 5).

In reference to claim 2 wherein the microprocessor identity device comprises a microprocessor having a unique microprocessor identity (column 7 lines 1-5).

In reference to claim 3, wherein the microprocessor identity device comprises a microprocessor and a memory; and wherein the memory has a unique microprocessor identity (column 6 line 55 to column 7 line 4).

In reference to claim 4, wherein the memory is programmable and read-only (column 6 line 55 to column 7 line 4).

In reference to claim 5, Guthery discloses a system wherein the memory is off board the processor (Fig. 2 part 58).

In reference to claim 6, wherein the digital identity is for one of the group consisting of an individual and a corporation; and wherein the digital identity is unique (column 7 lines 1-5).

In reference to claim 7, wherein the means for binding is a secure operating system (column 5 lines 59-67).

In reference to claim 8, wherein the digital identity device further comprises a computer device and means for communicating between the computer device and the digital identity device (column 4 lines 30-45).

In reference to claim 9, wherein the computer device is a computer board, a computer card, or a computer device with an input/output port (column 5 lines 25-45).

In reference to claim 30 wherein the origin comprises a microprocessor containing identity information about the origin (public and private key and certificate showing the owner column 6 lines 62-67), wherein tagging the electronic communication comprises encrypting the electronic communication using the identity information in the encryption algorithm, and wherein the identity information is for one of the group consisting of an individual, a computer, and a corporation; and wherein the identity information is unique (column 7 lines 1-5).

In reference to claim 31, wherein the identity information resides in a digital identity device (column 6 lines 62-67).

In reference to claim 32, the property having a microprocessor containing identity information about the property (column 7 lines 1-5), the method comprising binding the property to the microprocessor (column 7 lines 1-5), wherein binding the property comprises binding the identity information to the property using a secure operating system (column 5 lines 59-67), wherein the identity information is for one of the group consisting of an individual, a computer, and a corporation; and wherein the identity information is unique (column 7 lines 1-5).

In reference to claim 33, wherein the identity information resides in a digital identity device (column 6 lines 62-67).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guthery in view of Yap et al (6,111,506).

In reference to claim 34, Guthery discloses a computer having a microprocessor containing identity information (column 5 lines 25-40 in combination with column 6 line 49 to column 7 line 5). The identity information disclosed by Guthery is identity information for one of the group consisting of an individual, a computer, and a corporation; and wherein the identity information is unique (column 7 lines 1-5).

Although Guthery discloses storing information such as licenses and therefore documents (column 6 lines 45-50) and the system has passwords (column 6 lines 62-67) and a program for encryption (column 6 lines 25-30), Guthery does not disclose encrypting the documents

Yap discloses storing documents on the smart card. The documents are encrypted.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to encrypt the documents as in Yap storing the documents on the smart card as in Guthery. One of ordinary skill in the art would have been motivated to do this because it would discourage forgery.

In reference to claim 35, wherein the identity information resides in a digital identity device (column 7 lines 1-5).

In reference to claim 36, wherein encrypting the documents comprises using the identity information in the encryption algorithm (column 6 lines 25-30).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W Klimach whose telephone number is (571) 272-3854. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2135

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PWK
Friday, February 04, 2005

John G
AV2135